

1 Amend 2 Cal. Code Regs. section 18943 to read:

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3 **§ 18943. Return, Donation, or Reimbursement of a Gift.**

4 (a) General Rule for Return, Donation, or Reimbursement of a Gift. A gift is
5 neither accepted nor received if it is returned, donated, or reimbursed in any manner set
6 forth below:

7 (1) The gift is returned to the donor, or to the donor's agent or intermediary,
8 unused, within 30 days of receipt or acceptance. In such event, neither the recipient nor
9 the donor shall be required to disclose the receipt or making of a gift or activity expense;
10 or

11 (2) The gift is donated, unused, to a charitable organization within 30 days of
12 receipt or acceptance, without being claimed as a charitable contribution for tax
13 purposes. In such event, neither the recipient nor the donor shall be required to disclose
14 the receipt or making of a gift or activity expense; or

15 (3) The gift is donated, unused, to a state, local, or federal government
16 agency, within 30 days of receipt or acceptance, without being claimed as a deduction
17 for tax purposes. In such event, neither the recipient nor the donor shall be required to
18 disclose the receipt or making of a gift or activity expense; or

19 (4) The recipient, within 30 days of receipt or acceptance, reimburses the
20 donor, or the donor's agent or intermediary, for all or a portion of the gift. In such event
21 the value of the gift is reduced by the amount of the reimbursement, and the amount of
22 any gift or activity expense which must be disclosed is reduced by the amount of the
23 reimbursement.

1 (b) Relief from Disqualification by Return, Donation, or Reimbursement. In
2 order to relieve the recipient of an otherwise disqualifying financial interest based upon
3 the receipt or acceptance of a gift valued at ~~\$360~~ \$390 or more pursuant to Government
4 Code section 87100, the return, donation, or reimbursement of the gift pursuant to
5 subdivision (a), above:

6 (1) Must occur within 30 days of receipt or acceptance and prior to the date
7 the recipient makes, participates in making, or uses his or her official position to
8 influence the government decision in question; or,

9 (2) If the return, donation, or reimbursement has not been made prior to the
10 decision, the recipient must publicly disclose the receipt or acceptance of the gift on the
11 public record, disclose its value, and declare that the return, donation, or reimbursement
12 will occur within two working days following the decision. The subsequent return,
13 donation, or reimbursement must be made within two working days, and within 30 days
14 from receipt or acceptance, and must be documented in the public record.

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17 NOTE: Authority cited: Section 83112, Government Code.

18 Reference: Sections 87100, 87103, 87207, 87302 and 89503, Government Code.
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